

City Council Introduction: **Monday**, June 30, 2003  
Public Hearing: **Monday**, July 7, 2003, at **1:30 p.m.**

Bill No. 03R-176

## **FACTSHEET**

**TITLE: SPECIAL PERMIT NO. 2014, NORTHVIEW VILLAS COMMUNITY UNIT PLAN**, requested by Brian D. Carstens and Associates on behalf of Regal Building Systems, Inc., for 61 multi-family dwelling units in 7 structures, on property generally located at North 24<sup>th</sup> Street between Dodge and Superior Streets.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 05/14/03, 05/28/03 and 06/11/03  
Administrative Action: 05/28/03 and 06/11/03

**STAFF RECOMMENDATION:** Conditional approval

**RECOMMENDATION: Denial** (5-3: Larson, Carlson, Bills-Strand, Krieser and Taylor voting 'yes'; Steward, Duvall and Schwinn voting 'no').

1. This site was previously approved for 128 retirement dwelling units and 60 domiciliary beds in a large L-shaped building. The applicant testified that market studies done by the owner have found that the previously approved project would not be feasible.
2. This proposal includes 61 dwelling units clustered into seven condominium buildings. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on 4, concluding that the request is in conformance with the Comprehensive Plan and Zoning Ordinance, with the conditions of approval. There are no waivers of the minimum standard requirements being requested.
3. This proposal was deferred for two weeks on May 14, 2003, at the request of the applicant and the Landon's Neighborhood Association (See p. 32-34). The purpose of the deferral was for the applicant to provide additional traffic generation information and student capacity information on Campbell Elementary School to the neighbors.
4. The applicant's testimony on May 28, 2003, is found on p.8-9 and p.12-13. The applicant requested that Condition #1.1.7 be deleted. This would require sidewalks along both sides of all internal driveways. The proposal shows some internal pedestrian circulation to the bike trail on 24<sup>th</sup> Street and one sidewalk on each side of the major roads entering the site. This would not be considered a waiver as the community unit plan regulations do not require sidewalks on both sides of the street. The additional information provided by the applicant to the neighborhood is found on p.35-36, including trip generation figures and information from LPS regarding North Star High School and Campbell Elementary. According to the applicant's information, the previously approved plan would have generated 20 a.m. peak hour trips and 23 p.m. peak hour trips, whereas this proposal is projected to generate 31 a.m. peak hour trips and 38 p.m. peak hour trips.
5. Testimony in opposition on May 28, 2003, is found on p.9-11, and the record consists of 11 letters in opposition and a petition signed by 22 property owners in Regalton in opposition (See p.38-55). The major concerns of the opposition include increased traffic generation over the previously approved plan; the change from a retirement housing facility to an apartment complex (the previously approved plan having been negotiated with the neighborhood); and the trend toward rentals versus home ownership.
6. On May 28, 2003, a motion to deny failed 2-4; a motion for conditional approval failed 4-2; and the application was held over for continued public hearing on June 11, 2003 (See Minutes, p.13-14).
7. On June 11, 2003, the Planning staff provided additional information indicating that approximately 40-50 single family attached units could be developed under the existing R-4 zoning. R-3 would allow 30 units and R-2 would allow 25 units (See p.29-30).
8. The applicant's testimony on June 11, 2003, is found on p.14-15. Additional testimony in opposition on June 11, 2003, is found on p.15-16. Traffic counts provided by Carol Brown are found on p.37.
9. On June 11, 2003, the majority of the Planning Commission disagreed with the staff recommendation and voted 5-3 to recommend **denial**, based upon the deviation from the previously approved plan that had been negotiated and agreed upon with the neighborhood (See Minutes. p.16-17).
10. **Please note:** Due to a recommendation of denial, the Site Specific conditions of approval normally required to be satisfied prior to scheduling on the Council agenda have not been completed and should be made a part of the resolution if this special permit be approved by the City Council.

**FACTSHEET PREPARED BY:** Jean L. Walker

**REVIEWED BY:** \_\_\_\_\_

**REFERENCE NUMBER:** FS\CC\2003\SP.2014

**DATE:** June 23, 2003

**DATE:** June 23, 2003

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 14, 2003 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit #2014  
Northview Villas Community Unit Plan

**PROPOSAL:** To obtain a special permit for 61 dwelling units clustered into seven apartment buildings.

**LOCATION:** Generally located at N. 24<sup>th</sup> between Superior and Dodge Streets.

**WAIVER REQUEST:** None.

**LAND AREA:** 5.5 acres, more or less.

**CONCLUSION:** With conditions, this request is in conformance with the Comprehensive Plan and Zoning Ordinance.

<b>RECOMMENDATION:</b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 1, Block 1, Northview 4<sup>th</sup> Addition and the vacated Timothy Court, all located in Section 12, T10N, R6E.

**EXISTING ZONING:** R-4, Residential.

**EXISTING LAND USE:** Undeveloped.

### **SURROUNDING LAND USE AND ZONING:**

North:	Bank	O-3, Office Park
South:	Residential	R-3, Residential
East:	Commercial	I-1, Industrial
West:	Office, public school, residential	O-3, R-3, R-2, Residential

**HISTORY:** Special Permit #1821 for a childcare facility, Special Permit #1820 for 168 domiciliary care dwelling units, Change of Zone #3231 from R-3 to R-4, Special Permit #1781 for Northview 1<sup>st</sup> Community Unit Plan and Northview 1<sup>st</sup> Preliminary Plat #99017 were approved by the City Council on **February 22, 2000**.

Northview Preliminary Plat #96021, Combined Special Permit/Use Permit #12 for the office park were approved by the City Council on **March 3, 1997**.

Change of Zone #3025 from R-3 to O-3 (north of this site) was approved by the City Council on **January 21, 1997**.

Northview Preliminary Plat #94028 and Change of Zone #2906 from R-3, Residential to O-3 Office Park (north of this site) was approved by the City Council on **August 7, 1995**.

City Council approved Change of Zone #1755 from R-2 to R-3 in **January 1980**.

Zoned A-2, Single Family until it was converted to R-2, Residential during the **1979** zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as Urban Residential in the Comprehensive Plan (F-25).

“Maximize the community’s present infrastructure investment by planning for residential...in areas with available capacity” by “encouraging...more dwelling units per acre in new neighborhoods” (F 17).

“Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population” (F-18).

“Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood” (F 18).

“Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process” (F 66).

“Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods” (F 66).

“Similar housing types face each other...change to different use at rear of lot” (F 67) (F 69).

“Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas” (F 69).

“Require new development to be compatible with character of neighborhood and adjacent uses” (F 69).

**UTILITIES:** An existing 6" water main is shown along N. 24<sup>th</sup> Street connecting to private water throughout the site. Private sanitary sewer through the site is shown connecting to existing sanitary sewer from the east.

**TRAFFIC ANALYSIS:** Superior Street is classified as an Urban Principal Arterial. All other streets are classified as local streets (F-103).

**PUBLIC SERVICE:** There is a public elementary school west of this site. A public library is east of N. 14<sup>th</sup> Street off Superior Street.

A proposed new pedestrian center is identified near this area on the Pedestrian Activity Centers Plan (F-91). Pedestrian centers are areas where people are known to walk around, shop, eat, or conduct business. An existing trail is identified along Superior Street in the Trails and Bicycle Facilities Plan (F-95).

## **ANALYSIS:**

1. The Parks and Recreation Department indicated that an outdoor recreation plan is required and has not been provided. Parks and Recreation Department indicated that a tot lot and half court basketball court is desired. They also indicated they have no plans to build a trail east of this site, however, the Northview preliminary plat showed a bike trail along the eastern portion of the plat connecting eventually to Dodge Street. The developer shows this trail on their special permit to connect with the existing easement to the south. This is to be a private trail built and maintained by the developer or approved homeowners association.
2. The Building and Safety Fire Prevention/Life Safety Code Department indicated that no private fire hydrants are shown. The Fire Department also noted hydrant deficiencies.
3. The Public Works & Utilities Department had several comments relative to grading/drainage and internal sidewalks.
4. The Public Works & Utilities Department indicated that the entrance drive with a steep slope comes to a tee intersection with a building and this could cause a potentially dangerous situation. The Public Works & Utilities Department indicated that there is no standard to require this revision, but strongly recommends an alternative layout and decreasing the slope of the entrance drive to provide a safer roadway.
5. The Lincoln-Lancaster County Health Department has several comments relative to proximity to the I-1, Industrial district and potential exposure to hazardous chemicals.
6. The Lincoln Electric System requests additional utility easements.
7. Comments were not received by the Lincoln Public Schools District, United States Parcel Service, or Building and Safety Department.
8. Landscaping and screening is required along the entire perimeter of the site screening 50% of the vertical plane from 6'-15'. The landscape plan submitted does not meet this standard.
9. Sidewalks are not shown in many of the drive aisles and should be shown to increase pedestrian accessibility within the site.
10. The ownership certificate indicated the City of Lincoln as owner of the vacated Timothy Court right-of-way. The applicant must either revise the plat to remove the city owned land from the plat or obtain deed to the property prior to scheduling on the City Council.
11. With the following conditions the proposed development is consistent with the goals and objectives of the Comprehensive Plan for new residential areas.

## **CONDITIONS:**

### Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

- 1.1.1 Correct legal description to indicate a block number.
- 1.1.2 Corrections as requested by the Fire Department in memo dated 4/25/2003 and Building and Safety Fire Prevention/Life Safety Code Departments in memo dated 4/23/2003.
- 1.1.3 Corrections as requested by the Parks and Recreation Department in memo dated 4/23/2003.
- 1.1.4 Corrections as requested by the Public Works & Utilities Department in memo dated 4/28/2003.
- 1.1.5 Alternative building layout and decreased slope of the entrance drive to the satisfaction of the Public Works & Utilities Department.
- 1.1.6 Utility easements as requested by the Lincoln Electric System in memo dated 4/24/2003.
- 1.1.7 Sidewalks along both sides of all internal driveways.
- 1.1.8 Signed Surveyor's Certificate.
- 1.1.9 Label utilities as either existing or proposed.
- 1.1.10 Either remove the vacated Timothy Court from the boundaries of the special permit, or obtain title to the vacated right-of-way and submit to the Planning Department.

1.2 Revise the landscape plan to show:

- 1.2.1 Landscaping and Screening to meet Design Standards.

2. This approval permits 61 dwelling units.

### General:

3. Before receiving building permits:

- 3.1 The permittee shall have submitted a revised and reproducible final plan including 6 copies and the plans are acceptable
- 3.2 The construction plans shall comply with the approved plans.
- 3.3 Complete, or post a surety to guarantee the completion of the public sidewalks, bike trail, landscaping screens, street trees, drainage facilities, private water, private sanitary sewer and private storm sewer in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.
- 3.4 Dedicate a pedestrian way easement over the bike trail.
- 3.5 The owner requests that Special Permit #1820 be rescinded by Administrative Amendment.

**STANDARD CONDITIONS:**

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Becky Horner  
Planner

**DATE:** May 1, 2003

**APPLICANT:** Regal Building Systems, Inc.  
2610 Park Boulevard  
Lincoln, NE 68502  
(402)435-3550

**OWNER:** Regal Building Systems, Inc.  
  
City of Lincoln, Nebraska (vacated Timothy Court)

**CONTACT:** Brian D. Carstens and Associates  
601 Old Cheney Road, Suite C  
Lincoln, NE 68512

## **SPECIAL PERMIT NO. 2014, NORTHVIEW VILLAS COMMUNITY UNIT PLAN**

### **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 14, 2003

Members present: Bills-Strand, Steward, Carlson, Duvall, Larson, Taylor and Schwinn; Krieser absent; Newman resigned.

Staff recommendation: Conditional approval.

Ex parte communications: None.

Becky Horner of Planning staff submitted additional information for the record including a request from the applicant for a two-week deferral to meet with the neighborhood association and to provide additional information on traffic generation, and a request from Regalton Homeowners Association for a two-week delay.

Steward moved deferral for two weeks, with continued public hearing and administrative action scheduled for May 28, 2003, seconded by Bills-Strand and carried 7-0: Bills-Strand, Steward, Carlson, Duvall, Larson, Taylor and Schwinn voting 'yes'; Krieser absent; Newman resigned.

There was no other public testimony.

### **CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 28, 2003

Members present: Larson, Bills-Strand, Duvall, Carlson, Taylor and Steward; Schwinn and Krieser absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Becky Horner of Planning staff submitted a letter in opposition due to traffic concerns, and information from Carol Brown with regard to traffic counts.

### **Proponents**

**1. Brian Carstens** appeared on behalf of **Regal Building System**. This is a special permit for 61 multi-family units in 9-plex buildings (one building has 7 units). Dodge Street leads out to Old Dairy Road and then out to 27<sup>th</sup> Street. There is office zoning to the north, a medical building and future day care center to the west.

Carstens stated that back in the year 2000, Special Permit No. 1820 was approved on this site for 128 units of elderly housing with an additional 60 domiciliary beds. Regal had intended to build the 3-story building, but market studies have shown that it is not feasible in that area.



This project is designed according to a project they found in Pennsylvania, with basically one story on the high side with walkout basement. There will be 5 units on the top floor, and four units on the lower level, all with attached garages. The proposal provides more parking than is required. These plans have been purchased from the architect, so what is being shown is what will be built.

Carstens advised that they did meet with the neighbors two weeks ago. The trip generation has been the main issue. The applicant has done the calculations and the previously approved special permit trip generation during the a.m. peak hour was 20 trips. This proposal is 31 a.m. peak hour trips. The p.m. peak hour trips are 23 versus 38 under the new proposal. However, Carstens submitted that the size of the building is much more compatible with the duplexes that are being built to the south.

Carstens suggested that based upon the number of acres, 45-50 duplex units could be constructed on this site. The allowed density is 69—this application proposes 61.

Carstens reviewed the site plan, showing all private roadways internally. They do show a system of sidewalks through the main areas that connect to the proposed bike trail. Carstens requested that Condition #1.1.7, which requires sidewalks on both sides of all internal driveways, be deleted. The developer believes that this should be treated as an apartment complex and they believe they have shown proper circulation.

**2. Marty Fortney**, 2610 Park Boulevard, the developer, showed renderings depicting the scale of the original approved project versus what is being proposed today. He conveyed that this project will provide affordable housing. Under the proposed plan, the lower units would be about \$79,950 to \$85,000, and the upper units would be about \$95,000 to \$105,000 (1170 to 1250 sq. ft. units). The intent is to condo it; however, there may still be some rentals. He believes this project fits into the subdivision better than the previously approved plan. The assisted living and senior housing market conditions have changed considerably since the previously approved plan.

Steward commented that besides the trail, there are desirable commercial establishments on both sides--east and west. This is not just an issue of circulation within or access only to the trail, but probably from this set of units to commercial establishments east and west. Carstens noted that there is a major drainage ditch on the other side that cannot be crossed. The trail does connect across 27<sup>th</sup> Street behind Kush Furniture.

## Opposition

**1. Carol Brown**, 2201 Elba Circle, appeared on behalf of the **Landon's Neighborhood Association**, located off of 21<sup>st</sup> & Superior. The neighborhood association has been working on zoning issues and what is going to be developed on this property since 1996. In 1997, the neighborhood brought forward a petition in opposition to commercial zoning because there was a proposal for commercial and the neighbors were opposed due to traffic concerns because of the school, the neighborhood and other commercial development in the area. Brown then referred to the previously approved plan with the child development center, the bank, the medical clinic and the elderly housing project. The neighbors agreed to the R-4 zoning based upon the previously approved development actually being built. The neighborhood was in support because the elderly would be within walking distance of a medical clinic, bank, several restaurants, gas station, etc. The neighborhood also had hoped that the elderly would spend some time helping out with school

functions. Special Permit No. 1821 for the day care center was also approved. The neighborhood would have opposed the R-4 zoning if they had not seen the plan that was brought forward and approved.

Brown stated that Landon's Neighborhood is opposed to the multi-family because of the increased traffic on 24<sup>th</sup> Street relating to actual traffic studies. They did a walk-through with traffic engineers last week for 21<sup>st</sup> & Superior because the crossing is so treacherous for the children going to school. The traffic is horrible all the way around there. It would be nice to have a new traffic study done in this area. There is only one way out of the proposed apartment complex onto 24<sup>th</sup> Street. 24<sup>th</sup> Street is highly traveled at this time. If this development does off-street parking, it would not be legal. As it is, in the area where there are driveways in the townhomes, the measurement of off-street parking is not legal and they are parking all over up and down Dodge Street.

In addition, the increase to the student level at Campbell would put an extreme burden on the school. It is already past the maximum. They will still have two portables. Traffic is a very big problem around the school.

Brown inquired as to where the guests to this development would park. It is a bad policy to not have sidewalks. It is a danger to small children.

Landon's would prefer to see this developed into the townhomes that are already existing and being built. They are selling like hot cakes. Or, the neighborhood would like to see the previously approved assisted living project developed. Otherwise, the Landon's Neighborhood will be pursuing a rezoning on this property to return it to R-3, because that was the good will agreement that they had with Mike Rierden years ago.

Brown went on to suggest that this is a very affordable housing area and families from outside the city limits are buying these homes for their college students. For example, the home next door to her was purchased by a single person who now has about 5 people living there. There are six cars parked illegally in front of the house. Because this is an affordable housing area, that is what is going to happen—it will be bought up by young families with lots of children; there are going to be more cars; families outside of the city limits will buy the homes for their college students and to provide revenue.

Brown pleaded that the Commission vote against this proposal because there is a long standing "soreness" in the neighborhood.

Bills-Strand was interested in how much the area has changed since 2002. Brown believes it has changed tremendously. There are a lot more townhomes on Dodge Street and 25<sup>th</sup>. The neighbors do appreciate the townhomes, but it is very hard to get out onto Superior Street. It is also difficult to get out on Fairfield Street.

Carlson inquired about the petition filed by the Regalton Homeowners. Brown stated that the Regalton petition is much different than the Landon's petition filed previously. The Landon's Neighborhood has 123 residents. They had a lot of negotiations with Rierden on the previous development and now it's coming back to haunt them and they are feeling very bitter about it.

**2. Kathy Tiede**, 2440 Dodge Street, who lives immediately south of the proposed apartment complex, testified in opposition. She built her duplex/townhouse in September of 2001 and moved into it in January, 2002. A significant part of her decision to buy was the location and the neighborhood. She was told that the area to the north would be a one-story assisted living facility. She anticipated a quiet neighborhood. She is also concerned about traffic. Dodge Street cannot safely carry the additional traffic from 61 apartments. The 24<sup>th</sup> and Dodge intersection is already very dangerous. She is also concerned about water drainage from the apartment area. She wants assurance that the rain and snow drainage is adequate for an area that has previously been an alfalfa field. If the apartment plan must be approved, she is hopeful that the landscaping and screening standards are enforced. She wants a neighborhood separate from a larger apartment complex. At a minimum, the eleven points in the staff analysis must be enforced. However, her preference is that the application be denied.

**3. Kerry Anderson**, 2431 Dodge Street, testified in opposition. He moved into the property in August 2001. His overriding concern is the apparent opportunity of the developers to have free-reign on building on the properties they have purchased. He was influenced by the construction of an assisted living facility directly north of his home which was advertised in a brochure supplied to consumers. If he had known about the apartment type dwellings, he would never have purchased the property. The traffic situation on No. 24<sup>th</sup> and Dodge is already very hazardous, and it would be an even bigger concern with 61 dwelling units and an additional 100+ vehicles in and out daily. There needs to be a stop sign at 24<sup>th</sup> & Dodge due to the traffic at Campbell Elementary. There is not even a yield sign at that intersection. Finally, if this is approved, Anderson urged that the eleven points of analysis in the staff report are addressed and the developer is held accountable.

**4. CL Garrison**, who has been a homeowner in Regalton at 2455 City View Court, at the curve of Old Dairy Road, since 2002, testified in opposition on behalf of the homeowners in Regalton. The developer has not informed the Regalton homeowners about this development. They have had to rely on assistance from others to inform them. Mr. Fortney is the President of the Regalton Homeowners Association, and as their builder, she alleged that he “spouts” many untruths. She did not receive notice of this issue from Mr. Fortney. For two years she has been using these streets daily. None of this was discussed with her when she was buying her home for \$156,000. Garrison is curious about the issue of affordable housing. What income level are they talking about for affordable housing?

Garrison also pointed out that at the last Planning Commission meeting, Regalton residents attended to prevent this project from being passed. That meeting was canceled and the Regalton homeowners were told that an association meeting would be held. Fortney has never met with Regalton on this issue. The Regalton homeowners know that this is his practice--to refrain from giving them information because he holds 100% of the votes at this time. He has already built slab homes and rentals in their midst.

Garrison bought an expensive home that she has well-maintained. It is unfortunate that the safety and pride of the builder and her neighbors is disillusioning. Her home is the biggest floor plan sold, so the value of her home is not in balance with any of the townhome structures in a 6-mile radius, and the assessment is lower than it should be. She has already lost \$20,000 on her home. Her grandchildren cannot play in the yard because of the traffic. Fortney has never fixed her sprinkler system problem. Garrison wants the safety and security that she was originally promised.

## Staff questions

Carlson addressed the traffic issue. If we were back to R-2 or R-3 zoning, how many units would be allowed? Becky Horner of Planning staff stated that the density would be about 6 units per acre, or about 30 units on 5 acres.

Carlson asked Public Works to address the trip counts. Dennis Bartels of Public Works presumes some of the interior traffic numbers may be somewhat higher now. The ones he saw were 1999 counts. The counts are projections about what this development will generate. He would agree that in the pm peak hour, this project would generate approximately 38 additional trips over the vacant ground that is there now.

Steward noted that the intersection of Superior and 24<sup>th</sup> is the only outlet for this development. He inquired as to whether it is signalized. Bartels stated that there is not a signal at 24<sup>th</sup> and Superior. Steward then inquired whether it is turn protected. Bartels indicated that the median is open so that you can make a left turn if the traffic will permit. There are times when it is difficult to make a left turn because of proximity to 27<sup>th</sup> Street. In order to be signalized, it would have to meet the warrants. This is an area monitored by the traffic engineer. If we start adding signals, there would be signals two blocks apart and it would start to affect the traffic capacity on Superior. This neighborhood has connection from 24<sup>th</sup> to Dodge to get to Old Dairy Road, which is also being considered for a signal on 27<sup>th</sup> Street. The other signalized intersections in this square-mile are at Fairfield and 27<sup>th</sup> Street and 19<sup>th</sup> and Cornhusker.

Bills-Strand inquired where one would turn west on Superior if living in this area just south of the proposal. Bartels suggested that you would probably either have to go to 14<sup>th</sup> Street, or you could make a right turn and go back to Superior Street, or down to Fairfield, one-half mile south of Superior.

Taylor asked staff to address the request to delete Condition #1.1.7. Horner stated that the staff believes the sidewalks are necessary for internal circulation. It is not a standard because it is a private driveway, but staff believes it is still necessary.

## Response by the Applicant

Fortney responded to the opposition, stating that Regalton Association had a meeting in March where he did hand out photographs of the proposed development, discussed the options, and listened to some concerns. Traffic was a concern at that point, also.

Fortney acknowledged that there are some obvious tensions with Landon's Association. He got involved with the property about 3 years ago and he was not aware of the history of the previous applications.

With regard to the value of the townhomes, Fortney advised that there are two more cul-de-sacs currently in being constructed and he believes those lot values will be \$1,000 to \$3,000 higher than what is currently being marketed. Typically, the cul-de-sac lots are higher priced. He does not believe the price will go down. He likes to act in the best interests of Regalton and he was looking at a design standpoint. He is looking at less volume of people with the apartment development as opposed to the assisted living. There will not be any parking allowed in the private driveways. He

will also discourage parking on 24<sup>th</sup> Street. There are some traffic concerns and he would encourage a light at 24<sup>th</sup> & Dodge.

Steward asked the developer to clarify the total number of townhomes when the townhome development south of this application is completed. Carstens responded that there are 122 units approved.

Bills-Strand inquired as to when Fortney purchased the property. Fortney stated that it was about three years ago when he purchased it from Lincoln Federal.

Steward inquired about the disposition of the strip of property north of this application. Fortney believes that it is zoned O-3, but he does not own that property.

**ADMINISTRATIVE ACTION BY THE PLANNING COMMISSION:**

May 28, 2003

Carlson moved to deny, seconded by Taylor.

Carlson's concern is that there was a recent upzoning with the expectation of domiciliary care, with substantial neighborhood input. If we don't have that upzoning, it's back to 30 units. He is a little concerned about "changing horses in the middle of the stream" when we are basically doubling the units that would have been allowed otherwise. Traffic is an issue. Expectations are an issue. It sounds like lots of townhomes and that's a good thing, but if you get an upzone with the intention of one thing, and then bring back something different, and there is substantial opposition, he thinks we need to step back.

Taylor concurred with Carlson. There needs to be more communication with the surrounding neighbors. Secondly, he has problems with the determination of how much traffic that area can really receive. He is not comfortable with the studies that have been made for the traffic analysis in that area.

Bills-Strand commented that the original proposal is for three stories—188 units of retirement housing. This area is just booming. The townhouses have been selling like hot cakes out there. She also noted there to be so many apartments out there right now and she has heard that vacancies are really high right now. So, she is not sure why this would be a better plan. The traffic issues for the schools have not been addressed.

Larson believes the affordable housing feature is worthwhile and this is a good area for it. Bills-Strand further commented that we are continuing to push for high density, and yet with high density comes high traffic. It's a struggle.

Duvall will vote against the motion. He believes that multi-family uses close to O-3 and the R-2 are appropriate. Traffic is a real issue, but he does not see any significant difference between people living in condos versus a retirement facility.

Steward commented that this is a very tough site. The development has occurred so rapidly around it that it has sort of taken on an isolated doughnut hole characteristic. He worries about it – if not this, then what? He believes that the "what" has limited options based upon the land uses surrounding it. In one sense, if we are looking for higher density, walkable neighborhood

connections that have commercial, multi-family, multi-level of economic structure, a school, and a trail, this proposal has a lot of the characteristics that we would be seeking if talking about an urban village concept. And yet, the traffic is likely to only become a greater problem, but we have the situation in our planning that almost always the traffic accommodations are catching up with the development pressures, and he believes that with all the other pressures out in this area that there will be more accommodations from the traffic engineering and installations. Therefore, on balance, Steward indicated that he would be voting against the motion to deny.

Motion to deny failed 2-4: Carlson and Taylor voting 'yes'; Larson, Bills-Strand, Duvall and Steward voting 'no'; Krieser and Schwinn absent.

Duvall moved conditional approval, as set forth in the staff report, seconded by Larson.

Bills-Strand would like to see the city come in and look at removing any on-street parking and putting a light in there.

Carlson stated that he is still not supportive of this application, but he is supportive that we need to find more mixed uses and design becomes the issue. He is not satisfied with this design and what we are encouraging in design. Design needs to lessen the traffic situation instead of exacerbate the traffic situation.

Motion for conditional approval failed 4-2: Lawson, Bills-Strand, Duvall and Steward voting 'yes'; Carlson and Taylor voting 'no'; Krieser and Schwinn absent.

This application is held over with continued public hearing and administrative action scheduled for June 11, 2003.

#### **CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 11, 2003

Members present: Larson, Steward, Carlson, Bills-Strand, Duvall, Krieser, Taylor and Schwinn.

Staff recommendation: Conditional Approval.

Ex Parte Communications: None

Becky Horner of Planning staff submitted additional information for the record, including some correspondence between one of the neighbors and the Planning Department in reference to how many duplex units could be developed on the property, and a proposed amendment to the conditions of approval submitted by the applicant, requesting to delete Condition #1.1.7, which requires sidewalks on both sides of all internal driveways.

#### **Proponents**

**1. Brian Carstens** appeared on behalf of the applicant, **Regal Building System**. This site was originally approved for 128 retirement dwelling units and 60 domiciliary beds in a large L-shaped building. After market studies, it was found that the previously approved project would not be feasible. The new proposal is for 9-unit condominium buildings of two-story structure. The upper level is a ranch style home and the back level is a walkout basement with units on the bottom and

the upper units looking over the top. This is a straight community unit plan with no subdividing. There will be private water, private sewer and private driveways. Carstens pointed out that the CUP does not require sidewalks on both sides of all driveways. They are providing some internal pedestrian circulation to the bike trail on 24<sup>th</sup> Street and one sidewalk on each side of the major roads/driveway as they come in. If the developer is required to put the sidewalks on both sides, it would interfere with the driveways and is not required by the design standards.

Carstens acknowledged that the neighbors had traffic concerns. What was previously approved would have a total a.m. peak hour of 20 trips and a p.m. peak hour of 23 trips. The new proposal has 31 a.m. peak hour trips and 38 p.m. peak hour trips.

**2. Marty Fortney**, the applicant/developer, appeared to answer any questions.

### Opposition

**1. Sheila Damon** testified in opposition on behalf of the **Regalton** homeowners, which is the neighborhood most directly affected. There are far too many nonresident owners buying property in this area for investment. The pamphlets that were distributed by Woods Bros. Realty specifically stated that there would be an assisted living complex and day care facility on this property and not apartment complexes, and she purchased her home based on that premise. The parking in the neighborhood is totally inadequate. There is no legal parking on Dodge Street. This is becoming more and more frustrating to all those involved and residents are receiving parking violations. The traffic is very problematic when Campbell school is in session. There is also a safety issue with the creek area. It is dangerous for children. She believes her land should be rendered safe. Something needs to be done about the bike trail that leads to and ends at the creek. The area is also frequented by skunks. The trees removed from this creek area served as a buffer zone to the industrial area and the noise from the traffic on 27th Street. She believes that it is the developer's responsibility and the city's responsibility to replace something where the trees once stood. When she purchased her home, there was a buffer zone and now there is none. The weeds are a nuisance in the undeveloped common areas and empty lots. Renters are having parties and violating the city noise ordinance, and creating parking problems. The main issues of the opposition include: 1) selling of property in the area under the assumption of the assisted living and day care facility, and then going against his advertised word; 2) traffic congestion; 3) inadequate parking; 4) safety issue of the creek area; 5) loss of buffer zone; and 6) the weed control problem. A petition in opposition has been submitted with 22 signatures of homeowners only—no renters. This is a high percentage of the resident homeowners against this proposal.

**2. CL Garrison**, homeowner in **Regalton**, testified in opposition. She alleged that there is a huge distrust for Marty Fortney and Regal Building System. She encouraged the Commission to delay the activity on this special permit. There have been ample studies on traffic and parking that show this will not be a safe environment for their children and families. She disagrees with the allegation of "affordable housing". She believes it will actually be for low income families. The builder refuses to build a floor plan that is adequate to hers and her property values will decrease. A rezoning of the property to R-2 will provide single family dwellings to increase the value of the homes in Regalton. The rezoning would cut down on the parking issues and the traffic to provide a safe environment for the neighbors. As of Friday, there was a police report issued for parking on the sidewalk in this neighborhood. She has a stack of police reports issued to the renters in a particular townhome since they moved in in November of last year.

**3. Carol Brown**, 2201 Elba Circle, testified in opposition on behalf of the **Landon's Neighborhood Association**. There are 41 townhomes that have been built and occupied now. Out of those 41, ten are rentals. That shows a trend. There is one now being built with a "For Rent" sign in the yard. She showed photographs depicting the problems with safety and traffic on Superior Street in the school zone. She showed photographs attesting to the traffic and parking problems in the neighborhood (Dodge Street, 24<sup>th</sup> Street, 21<sup>st</sup> Street, Superior Street).

Brown then showed the plan that has been approved and to which the neighborhood had agreed. They thought they had an agreement. The new plan will cause more traffic problems. There are 122 townhomes yet to be built in this vicinity. More density will only bring more traffic. 122 townhomes equals 244 cars. 61 multi-family units equals 122 cars. Approximately 1,000 students will be going to North Star next year and they will use Superior Street to commute from the west. This will cause further turning movement problems onto Superior.

Brown also believes that these apartments will be investment properties—not affordable housing. Regalton already has more than its share of rental properties. There have been late night partying and parking problems. The Vietnamese families have more family members and thus more cars, and there are 10 Vietnamese home owners in the area. What is to be done about the Health Department concern about having this development too close to an industrial zone? The Health Department is recommending a 300' buffer zone. What happens if there is a fire with only one entrance/exit? Is there enough room for medical/fire vehicles? On-street parking will be a problem for apartments just like it is for the townhomes, and parking will be done illegally. This neighborhood is the cut-through for 27<sup>th</sup> or Superior Street traffic when there are accidents and during football traffic.

Brown urged that approving this permit will diminish the quality of life in this neighborhood and the investments the property owners have in their homes.

Brown advised that the neighbors took up a collection and have submitted a change of zone request from R-4 to R-2.

#### Response by the Applicant

Carstens addressed the parking concerns. Most of the units have two-stall attached garages and there is room to park two cars in the driveway. He believes that most of the traffic and safety issues are related to the school location. This development will use 24<sup>th</sup> Street and/or Old Dairy Road. Local streets accessing to arterial streets is a problem everywhere in the city. He believes the neighbors are treating renters as second class citizens.

Carstens clarified that the previously approved permit was for 128 units of retirement dwellings and 68 domiciliary beds. This proposal consists of 61 multi-family units.

Carstens confirmed that the units will be condominium regime.

#### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

June 11, 2003

Carlson moved to close public hearing and recommend denial, seconded by Taylor.



Carlson commented that the number of units before and number of units under R-3 (which was the zoning a few years ago) looks to be approximately 30 units. This proposal is substantially more, even if they went with a duplex scheme of 40-50 units. His concern is that we had a situation a few years ago where the neighbors and the developer worked together and came to an agreement on an appropriate use, and because of that we had an upzone for that specific use. If that specific use changes, he believes we have an obligation to go back to the neighbors. Their support for the earlier upzone was based on that particular use. If this use has issues, we as a public body have an obligation to make sure the use is an appropriate use. He is not anti-density, but if you are going to show increased density, then you have the obligation to show how that is going to be beneficial instead of creating additional pressures. To him the primary issue is the a zone change based on an earlier agreement. That agreement is not going to happen, so there needs to be additional discussion or the zoning needs to go back to the way it was before.

Bills-Strand agreed. When you build and market it to accommodate what the neighborhood agreed upon, you need to go back to the neighborhood and work it out.

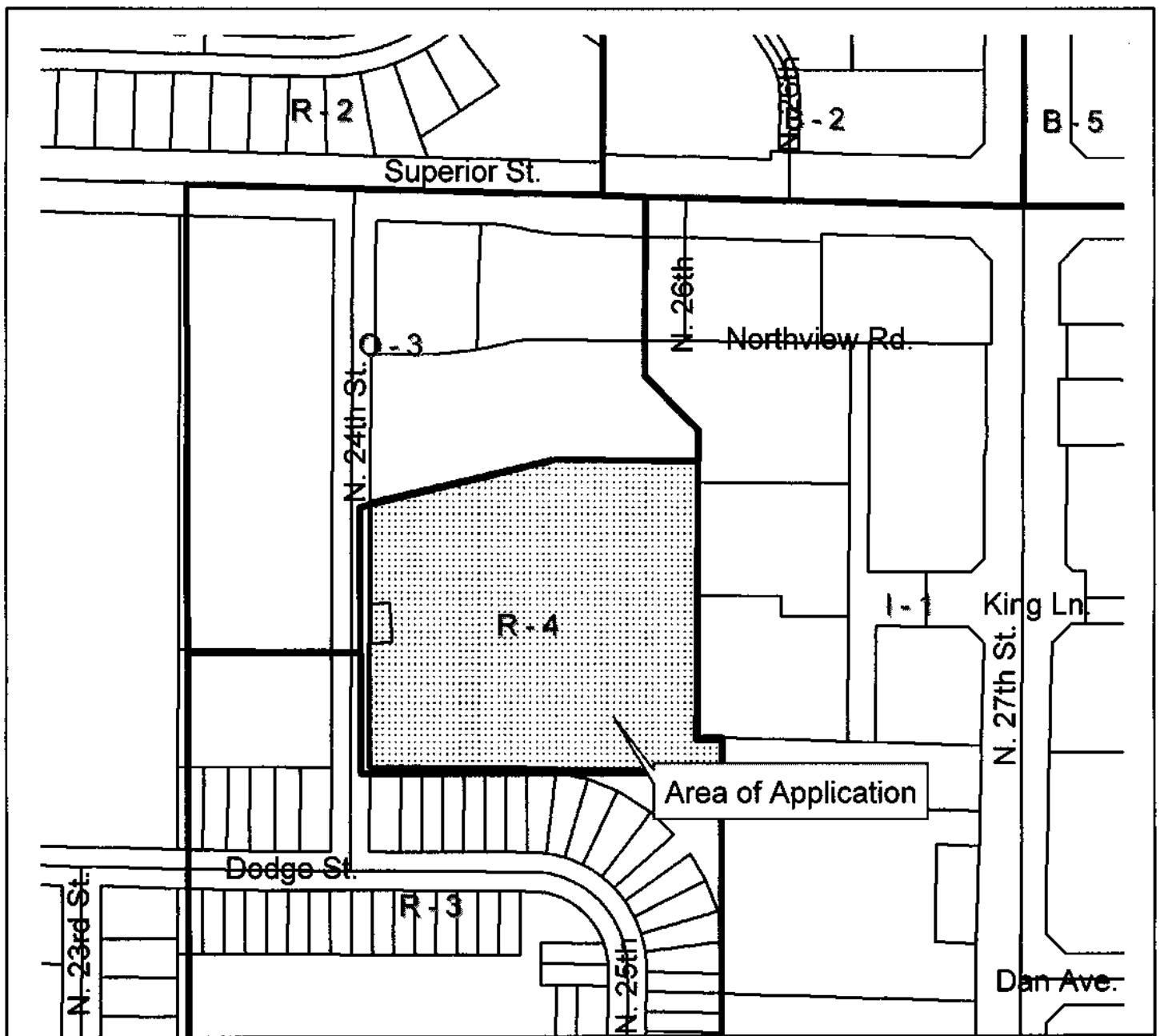
Motion to deny carried 5-3: Larson, Carlson, Bills-Strand, Krieser and Taylor voting 'yes'; Steward, Duvall and Schwinn voting 'no'.



**Special Permit #2014  
N. 24th & Dodge St.  
Northview Villas CUP**



018

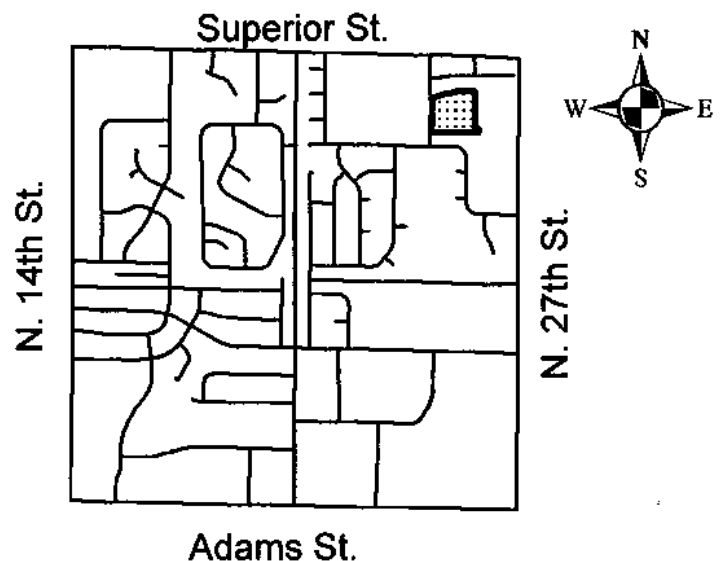
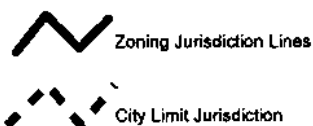


## Special Permit #2014 N. 24th & Dodge St. Northview Villas CUP

### Zoning:

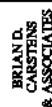
One Square Mile  
Sec. 12 T10N R6E

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District



019

Lincoln City - Lancaster County Planning Dept.



RESIDENTIAL  
& COMMERCIAL  
DIVISION

101 OLD CHEMIST ROAD  
SUITE C  
LIMCOLN, NE 68512  
OFFICE: (402) 434-2424  
FAX: (402) 434-0457  
DEEJ CARBINES, INC.

NORTHVIEW  
VILLAS

**SPECIAL  
PERMIT  
COMMUNITY  
UNIT PLAN**

N. 26TH &  
DODGE STREET  
LINCOLN, NE

# SITE PLAN



SCALE: 1" = 30'

INVESTIGATOR: [REDACTED]  
DATE: 4/27/03  
TIME: 11:00 AM

**1 OF 4**

**LEGAL DESCRIPTION:**

A Survey of Lot 1, Northwest 4th Addition, and the adjoining Timothy Court, all located in the northeast quarter of Section 12 Township 10 North Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, here particularly described by metes and bounds as follows.

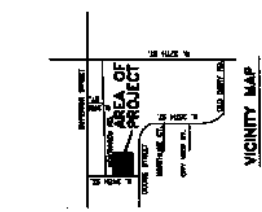
[illegible]

### **SURVEYOR'S CERTIFICATE**

**Page 18**      **of 24**

**GENERAL NOTES**

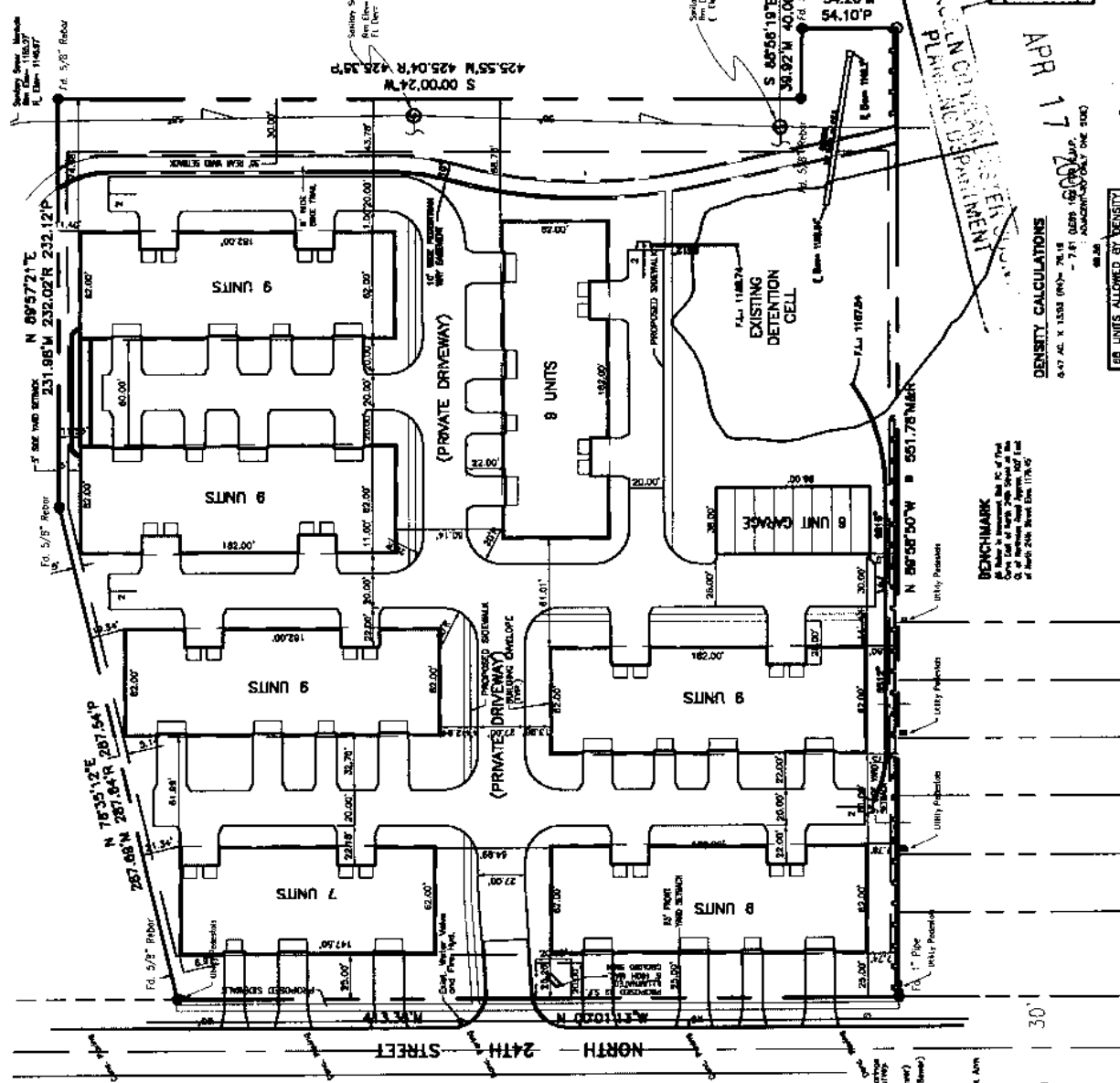
- THIS CLUP CONTAINS 1 BUILDABLE LOT, 8 ONE-HALF-ACRE UNITS, 1 SEVEN-PLUS UNIT FOR A TOTAL OF 41 BUILDING UNITS.
2. THE CURRENT ZONING IS "M-4".
3. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 28 FEET.
4. THE COVENANTS / OR OTHER RESOURCES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING UNITS ARE SHOWN.
5. PRIVATE WALKS AND PRIVATE SERVICES SHALL BE INSTALLED THROUGH PLANNERS PERMITS AND PERMITS REQUIRED BY THE CITY OF LAMAR.
6. PUBLIC STREETS SHALL BE INSTALLED AS SHOWN ALONG PRIVATE PERMITS. SIDEWALKS SHALL BE 4 FEET IN WIDTH AND SHALL BE 2 FEET AND 3/4 INCH AT 12 INCHES AT CURBWAYS.
7. ALL CIRCULAR DRIVEWAYS ARE ON-LOT DRIVEWAYS.
8. DOGS AND KIDNEY SHALL NOT BE ENGAGED OR CORSEED IF THEY ARE WITHIN THE FRONT, REAR OR SIDE YARD SETBACKS.
9. EXISTING TOPOGRAHICAL CONTOURS ARE IN NORTH-NORTHWEST VERTICAL DIRECTION 1000' 1000' 1000'.
10. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LAMAR FOR EXISTING AND PROPOSED STREETS AND TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LAMAR FOR EXISTING AND PROPOSED SIDEWALKS AND DRIVEWAYS. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF LAMAR AND THE LAMAR-CASCADE COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32.
11. ANY REGULATION OF EXISTING UTILITIES WILL BE AT THE OWNER/DEVELOPER'S RISK.
12. A 15-MINUTE UTILITY CUTOFF IS SHOWN OVER THE LOT OCCUPY THE BUILDING GARAGE. ADDITIONAL UTILITIES WILL BE SHOWN AT THE TIME OF THE FINAL PLAT PROCESS.



PARKING DATA				
ENTRANCE DATE	RESEARCH PARKING EX-200	STANDARD PARKING RESEARCH	STANDARD PARKING RESEARCH	STANDARD PARKING RESEARCH
61	128	61	63	
TOTAL	61	128	164	

**SHEET LEGEND:**

	1	2	3	4
SITE PLAN				
LANDSCAPE PLAN				
UTILITY PLAN				
GRADING PLAN				



APR 17 2009  
 1000 P.M.  
 ANNOUNCED ONLY ONE SIDE

DENSITY CALCULATIONS

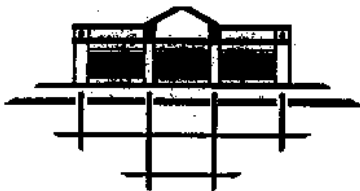
8.47 AC X 1.553 (84)= 76.18

### BENCHMARK

60 UNITS ALLOWED BY DENSITY

BODGE STREET

020



**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

April 17, 2003

Marvin Krout  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508

RE: NORTHVIEW VILLAS- SPECIAL PERMIT/ COMMUNITY UNIT PLAN

Dear Marvin,

On behalf of Regal Building Systems, Inc., we are submitting the above mentioned special permit / community unit plan. The property is located at North 24th Street and Dodge Street. The special permit / community unit plan contains 5.48 acres.

The existing 'R-4' zoning allows for a total of 68 dwelling units. We are proposing six, nine unit buildings and one 7 unit building for a total of 61 dwelling units. The buildings are one story buildings with walkout basements. There are 5 units on the main level and 4 units on the walkout/ lower level. Each unit will have it's own attached single stall and/ or two stall garage, with parking outside on the driveway. The project exceeds the required parking regulations.

The site was previously approved for 188 units of elderly/ retirement housing. The proposed building was 3 stories in height.

This site is currently surrounded by 'O-3' zoning to the north and northwest (existing and future offices), 'R-2' zoning to the south (existing duplexes), 'R-3' zoning to the west (proposed child care center).

The site will be served with private water and sewer mains that connect to existing public mains. Private driveways will provide vehicular circulation. A sidewalk is provided in various locations to provide pedestrian circulation thru the site and to the proposed bike trail along the eastern boundary.

We are not requesting any waivers with this special permit. We are not requesting further subdivision of the property.

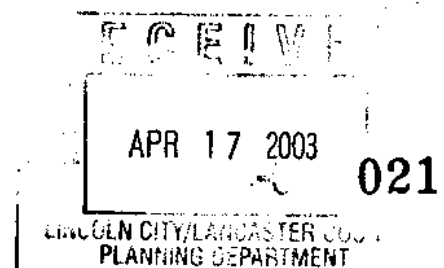
Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens

CC: Regal Building Systems

ENCLOSURES: 24 copies of sheet 1 of 4  
8 copies of sheets 2 thru 4  
Application for a Special Permit  
Application fee of \$1,415.00  
Certificate of ownership  
8-1/2" x 11" reduction



# Memo



**To: Becky Horner, Planning Department**

**From: Mark Canney, Parks & Recreation**

**Date: April 23, 2003**

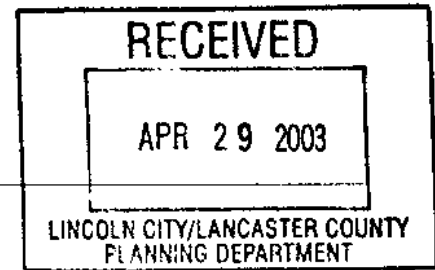
**Re: Northview Villas SP 2014**

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Please provide an outdoor recreation plan. Include a tot lot and a half court basketball court.
2. At this time, no trail is planned by the City of Lincoln for the eastern boundary.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

# M e m o r a n d u m



**To:** Becky Horner, Planning Department  
**From:** *CB* Chad Blahak, Public Works and Utilities  
**Subject:** Northview Villas Special Permit  
**Date:** April 28, 2003  
**cc:** Randy Hoskins  
Nicole Fleck-Tooze

Engineering Services has reviewed the special permit for Northview Villas located east of North 24<sup>th</sup> Street between Superior Street and Dodge Street and has the following comments:

- Water Main - The water system for this project is satisfactory.
- Sanitary Sewer - The sanitary sewer for this project is satisfactory.
- Grading/Drainage - There appears to be a retaining wall shown on the east side of the site along the proposed bike trail. If a retaining wall is proposed, it needs to be labeled with a proposed height. If no retaining wall is to be used, the grading plan needs to be revised to match the existing bank at a maximum of 4 to 1 slope.

The entrance drive shows a paving slope in excess of 9% down to a tee intersection with no platform. The City of Lincoln Standards for public and private roads allow a maximum of 8% paving slope. Since this is a proposed private drive system, the standards do not apply. However, strong consideration should be taken to reconfigure the grading plan and/or building size and shape to eliminate this potentially dangerous situation.

The original approved plat showed very little or no area draining across the north property line. Two of the drive aisles that dead end to the north, drain a significant portion of the site and are shown to drain concentrated flows directly onto the property to the north. This concentrated flow will cause erosive situations at the end of the drives. Flow and velocity information needs to be shown for the concentrated flows. Storm sewer may be required to convey the drainage east to the existing channel.

The grading in the first north/south drive aisle east of 24<sup>th</sup> Street shows low points being created in the proposed driveways without providing storm sewer for drainage. The grading needs to be adjusted to eliminate these situations. The building floor elevations may need to be adjusted accordingly.

- General - No sidewalks are shown in a number of the drive aisles.

The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design consideration including, but not limited to, location of water main bends around curved and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connecting storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.



Richard J Furasek

To: Rebecca D Horner/Notes@Notes

04/25/2003 09:47 AM

cc:  
Subject: Northview Villas

After reviewing Northview Villas special permit #2014, I noticed the only fire hydrant is at the entrance on north 24th street. . It would be nice to have a couple of hydrants in the development or am I just not seeing them on the plot map.

Richard J. Furasek  
Assistant Chief Operations  
Lincoln Fire & Rescue  
1801 Q Street  
Lincoln Ne. 68508  
Office 402-441-8354  
Fax 402-441-8292

**IMPORTANT**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Permit # **DRF03036**

Address

Job Description: Development Review - Fire

Location: NORTHVIEW VILLAS

Special Permit: Y 2014

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By **BECKY HOMER**

Status of Review: Denied

04/23/2003 7:29:54 AM

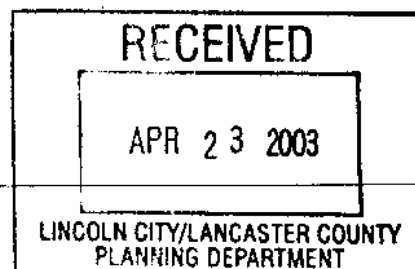
Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: show private fire hydrants.

**Current Codes in Use Relating to Construction Development in the City of Lincoln:**

2000 International Building Code and Local Amendments  
2000 International Residential Code and Local Amendments  
1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)  
1989 Fair Housing Act As Amended Effective March 12, 1989  
1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards  
1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)  
1999 National Electrical Code and Local Amendments  
1997 Uniform Mechanical Code and Local Amendments  
1994 Lincoln Gas Code  
1994 NFPA 101 Life Safety Code  
2000 Uniform Fire Code and Local Amendments  
Applicable NFPA National Fire Code Standards



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Becky Horner

**DATE:** April 28, 2003

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder  
Doug Smith, REHS

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** Bruce Dart, Director  
EH File  
EH Administration

**SUBJECT:** Northview Villas  
SP #2014

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following items noted:

- I-1 zoning is abutting the proposed Northview Villas development directly to east. According to the site plan submitted with the special permit application, three of the proposed buildings are located as close as 90 feet to the existing I-1 zone to the east. The LLCHD has historically voiced concerns regarding locating residential developments adjacent to industrial zoning. These concerns focus on the permitted uses within the I-1 zone and the potential to expose future residents to releases of hazardous chemicals and/or materials. The LLCHD recommends at least a 300 feet buffer between residential populations and industrial uses. The proposed site plan does not provide an adequate buffer for the future residents of this development. Until an adequate buffer zone of 300 feet is delineated on the site plan, the LLCHD cannot support the approval of this special permit.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Wastewater disposal and the water supply will be the City of Lincoln.



INTER-DEPARTMENT COMMUNICATION

DATE April 24, 2003

TO Becky Horner, City Planning

FROM Sharon Theobald  
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS – Special Permit No. 2014  
DN #42N-24E

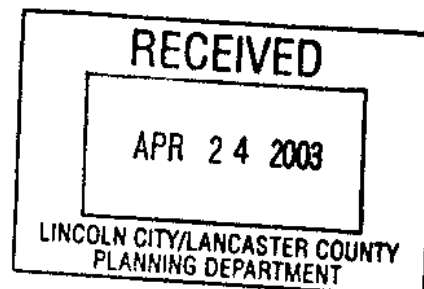
Attached is the Site Plan for Northview Villas.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

Please be advised additional easements will be required when service is requested per the Special Permit/Community Unit Plan # \_\_\_\_\_ Site Plan dated April 17, 2003.

As noted on Item 11 of the General Notes, any relocation of existing facilities will be at the owner/developer's expense.

ST/nh  
Attachment  
c: Terry Wiebke  
Easement File



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**MEMORANDUM**

---

To: Planning Commission

From: Becky Horner, Planning Dept.

Date: June 11, 2003

RE: Additional Information for Northview Villa's Special Permit #2014

XC: Brian Carstens and Associates  
File

Attached is correspondence between Carol Brown and the Planning Department regarding the number of single family attached/duplex units that could fit in the area of the proposed special permit.

A quick sketch of the area indicated that approximately 40-50 single family attached units would fit into the area under the present zoning, R-4, Residential. R-3, Residential would allow about 30 units. R-2, Residential would allow about 25 units. These are all approximations.



Rebecca D Homer  
06/06/2003 01:56 PM

To: carolserv@hotmail.com, BCandAssoc@aol.com, Marvin S  
Krout/Notes@Notes, Ray F Hill/Notes@Notes, Jean L  
Walker/Notes@Notes

cc:  
Subject: Northview Villas

Carol,

As a follow up from my previous email regarding how many units Mr. Carstens thought could develop in the area of Northview Villas. I just wanted to let you know that I personally verified the number of single family attached/duplex lots that could fit into the area of Northview Villas. A quick sketch indicated at least 40 units would fit for sure with a community unit plan, and depending on how you configure the streets you could probably fit a few more in there. So I think the estimate Mr. Carstens indicated is accurate, somewhere from 40-50 single family attached/duplex units on 2,500 square foot lots with a community unit plan. Let me know if I can help you any further.

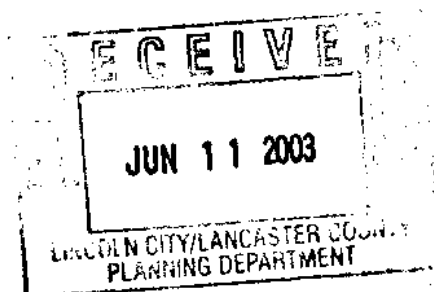
Rebecca D. Horner  
Planner  
City of Lincoln  
Planning Department  
Phone 441-6373  
Fax 441-6377

ITEM NO. 4.2: SPECIAL PERMIT NO. 2014  
(p.117- Cont'd Public Hearing - 6/11/03)  
cc: Planning Commission  
Public Works, Law

**NORTHVIEW VILLAS COMMUNITY UNIT PLAN  
MOTIONS TO AMEND**

**SPECIAL PERMIT #2014 -COMMUNITY UNIT PLAN**

~~1.1.7 Sidewalks along both sides of all internal driveways.~~





**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

May 13, 2003

Mr. Greg Schwinn, Chair  
Lincoln/ Lancaster County Planning Commission  
c/o Planning Department  
City of Lincoln  
555 South 10th Street  
Lincoln, NE 68508

RE: NORTHVIEW VILLAS COMMUNITY UNIT PLAN  
SPECIAL PERMIT #2014

Dear Greg,

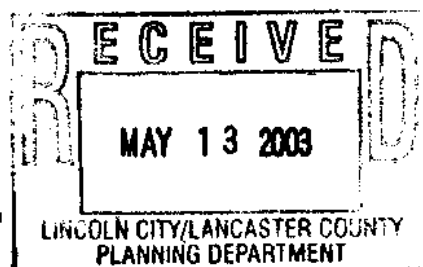
On behalf of Regal Building Systems, Inc., I wish to continue the Public Hearing on the above mentioned zoning application to May 28, 2003. Last evening we met with representatives of the Landon's Neighborhood Association and Annette McRoy to discuss the project. We will be providing them additional information regarding traffic generation and the capacity at the adjacent Campbell Elementary School. We would like the additional two weeks to discuss the project with them.

Please feel free to contact me if you have any additional questions.

Sincerely,

Brian D. Carstens

cc. Marty Fortney, Regal Building Systems  
John and Carol Brown  
Rob Hackwith







Jean L Walker

05/06/2003 11:54 AM

To: HwithG@aol.com

cc: Marvin S Krout/Notes@Notes, Ray F Hill/Notes@Notes,  
BCandAssoc@aol.com, jcjc@navix.net, sduvall@neded.org,  
PatteNewman@neb.rr.com, schwinn.hm@prodigy.net,  
csteward1@unl.edu, giims@radiks.net, Jean L Walker/Notes@Notes,  
gdkrieser@yahoo.com, mbills@woodsbro.com,  
roger.larson@wellsfargo.com, Rebecca D Horner/Notes@Notes, (bcc:  
Jean L Walker/Notes)

Subject: Re: special permit no. 2014

Becky Horner forwarded your email to me. We will submit your request for a two-week deferral to the Planning Commission members; however, since this application has already been advertised and notification letters mailed, it will appear on the May 14th Planning Commission agenda for public hearing and the request for deferral will require a vote of the Commission.

If you have any other questions or need further information, please let me know.

--Jean Walker, Administrative Officer  
Planning Department, 441-6365

cc: Marvin Krout, Ray Hill, Brian Carstens



HwithG@aol.com

05/06/2003 11:42 AM

To: RHorner@ci.lincoln, ne.us@netinfo.ci.lincoln.ne.us

cc: carolserv@hotmail.com

Subject: Re: special permit no. 2014

Becky

We in the Landon's Neighborhood Assn. would like to request a two week delay in the public hearing for SPECAIL PERMIT NO. 2014. This would allow LNA to meet with Brian Carstens and his client to review their proposed special per mit request.

As per our phone conversation, we have been through this with the previous owner, Lincoln Federal (Gerald Maddox et. al.). LNA has spent a great deal of time and resources over the last seven plus years, negotiating with the previous owner over prposed apartments that would add to the already congested streets and classrooms in the Campbell School area. We thought these concerns had been laid to rest at the last meeting with Lincoln Federal. They have since sold the property and here we go again.

We believe the existing neighborhoods have a right to be heard and dealt with fairly. There is a big difference between adding apartments to an existing neighborhood area and developing apartments where there are no neighbors. Those that choose to live in an new area with apartments do so by choice. Those of us that already live in existing neighborhoods should not have to have muti-family unit dwelling rammed down our throat.

Please let us know the status of the delay at HwithG@aol.com.

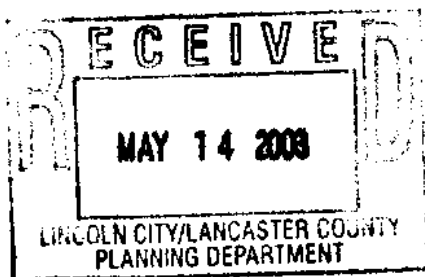
Thank you for your help,

Rob Hackwith-----Vice-President----Landon's Neighborhood Assn.

ITEM NO. 3.3: SPECIAL PERMIT NO. 2014  
(p.75 - Public Hearing - 5/14/03)

The understanding of the Regalton Home Owners Association is that the meeting for the special permit No. 2014 (Northview Villas Community Unit Plan) is to be postponed two weeks. This will give us a chance to study the proposed plan further in order to voice our concerns in full during the Lincoln-Lancaster County planning Department meeting on May 28<sup>th</sup>.

Regalton Home Owners Association



(Rec'd from: Kerry J. Anderson  
2431 Fairfield, Suite B  
Lincoln, NE 68521



**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
 601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

May 19, 2003

ITEM NO. 4.1: SPECIAL PERMIT NO. 2014  
 (p.75 - Cont'd Public Hearing - 5/28/03)

cc: Planning Commission  
 Dennis Bartels  
 Rick Peo

Mr. John Brown, President  
 Landon's Neighborhood Association  
 2201 Elba Circle  
 Lincoln, NE 68521

RE: NORTHVIEW VILLAS- SPECIAL PERMIT #2014

Dear John,

After attending the meeting at your home last week, I have compiled the 'trips' entering and existing the proposed NorthView Villas development and compared that data to the previously approved Special Permit #1820. The 'trip generation' rates were taken from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Addition. These rates are what the City of Lincoln as well as most consultants use to determine the impact of a proposed development on roadway networks. Please refer to that attached sheet.

Also, I spoke with Dennis VanHorn from Lincoln Public Schools regarding the enrollment at Campbell Elementary. He stated that the new 'NorthStar' High School will have a temporary 'Middle School' located within the building. This will allow for the transfer the 6th grade classes from Campbell Elementary to the new middle school and thereby free up additional classroom space at Campbell. I asked Dennis VanHorn if it is possible to estimate the number of students that might be attending Campbell from within the NorthView Villas project. He stated that it would be impossible to make any assumptions based on the small size of the project.

I hope this information is helpful. Please do not hesitate to call me if you have any further questions.

Sincerely,

Brian D. Carstens

cc. Marty Fortney, Regal Building Systems  
 Rob Hackwith, Vice President- Landon's Neighborhood Association  
 Ms. Becky Horner, Planning Department- City of Lincoln

Post-It® Fax Note 7671		Date	# of pages 2
To	Brian H.	From	Brian
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

# NORTHVIEW VILLAS SPECIAL PERMIT #2014 TRIP GENERATION EXHIBIT MAY 19, 2003

This is a summary of the vehicular trip generation for the proposed NorthView Villa, Special Permit #2014 in comparison to the previously approved Special Permit #1820.

Special Permit #1820 approved 128 elderly/ retirement dwelling units and 60 domiciliary beds. The NorthView Villas, Special Permit #2014 contain 61 multi-family dwelling units.

## SPECIAL PERMIT #1820-

Land Use	A.M. Peak Hr.			P.M. Peak Hr.		
	TOTAL	ENTER	EXIT	TOTAL	ENTER	EXIT
Domiciliary (Nursing Home)	11	7	4	10	4	6
Elderly Housing	9	6	3	13	8	5
TOTAL TRIP GENERATION	20	13	7	23	12	11

## NORTHVIEW VILLAS- SPECIAL PERMIT #2014-

Land Use	A.M. Peak Hr.			P.M. Peak Hr.		
	TOTAL	ENTER	EXIT	TOTAL	ENTER	EXIT
Multi-Family (Apartments)	31	5	26	38	25	13
TOTAL TRIP GENERATION	31	5	26	38	25	13

cc: Planning Commission  
Public Works  
City Attorney  
Applicant



"Carol B"  
<carolserv@hotmail.co  
m>

To: JWalker@ci.lincoln.ne.us  
cc:  
Subject: traffic counts

05/27/2003 12:16 PM

Jean,  
Would you pass along this information, given to me by the City Traffic Engineers, to the Planning Commissioners to review for the Wed meeting....that way they have a chance to understand what I will be talking about when I testify.

Thank You,  
Carol Brown  
2201 Elba Circle  
435-8932

We have counts for the following locations:

21st Street, South of Superior (October 1997) - 24 hour volume - 951 northbound vehicles; 82 northbound vehicles (8am to 9am) & 84 pm peak hour northbound vehicles (3pm to 4pm)

Superior Street, west of 24th Street (October 1998) - 24 hour volume - 27,274 total (eastbound & westbound); 1341 am total vehicles (8am to 9am) & 2076 pm total vehicles (3pm to 4pm)

Old Dairy Road, west of 27th Street (September 1999) - 24 hour volume - 1222 eastbound vehicles; 28 eastbound vehicles (8am to 9am) & 71 eastbound vehicles (3pm to 4pm).

27th Street, at Old Dairy Road (December 1999) - 24 hour volume - 30,188 total (northbound & southbound); 1414 am total vehicles (8am to 9am) & 2446 pm total vehicles (3pm to 4pm)

Fairfield Street, east of 20th Street (November 1995) - 24 hour volume - 4521 total (eastbound & westbound); 223 am total vehicles (8am to 9 am) & 385 pm total vehicles (3pm to 4pm)

Dodge Street, 21st to 24th Street - No Counts Done

24th Street, Dodge to Superior Street - No Counts Done

Just a few notes about the above information. As you can see, the most recent counts out here are at least 3 years old. Volumes on Superior Street are reaching 30,000 vehicles/day and Fairfield Street volumes are reaching 6000 vehicles/day. Volumes on Old Dairy at 27th Street have been climbing with all of the recent commercial development (I would estimate eastbound total volumes at around 2000 vehicles/day). Volumes on 24th Street at Superior are probably very similar to those on 21st and I would expect volumes of 500 or less on Dodge Street between 21st & 24th. Volumes on 21st Street at Superior are probably very close to the same volumes measured in 1997, as there has been very little room for construction of new homes which would generate more traffic at this location. The one thing which may have somewhat increased volumes on 21st would be the parents whose children were bussed back in 1997, who are now probably being driven, although many parents now use the school access road at about 22nd & Superior, not 21st Street.



"Terry Hiatt"  
<THIATT@neb.rr.com>

05/20/2003 08:13 PM

To: <amcroy@ci.lincoln.ne.us>, <mkrou@ci.lincoln.ne.us>,  
<urbandev@ci.lincoln.ne.us>

cc:  
Subject: Zoning Change Request

We are concerned about the upcoming request for a zoning change as outlined in Special Permit #2014. This change would allow the building of apartments on North 24th Street between Dodge and Superior Streets. We purchased our home in 2002 having been led to believe that our neighborhood would include both assisted living and daycare facilities. This information was included in written pamphlets supplied by Woods Brothers Realty. Now we find the assisted living facility will not be a part of our neighborhood and that the developer is planning to build a 61-unit apartment complex instead. We worry about the increase in traffic on this section of North 24th Street as well as Dodge Street. We are concerned for the safety of students walking to and from Campbell Elementary School as well as the vehicular congestion already caused by parents dropping off and picking up their children. In addition, during "rush hour traffic" it is quite difficult to safely make a left-hand turn onto Superior Street from North 24th Street because there is no traffic control device other than a stop sign. According to the drawing included in the Lincoln City/Lancaster County Planning Staff Report for the May 14, 2003 Planning Commission Meeting, it appears that seven private driveways and the only access to the complex will exit directly onto North 24th Street. We think that vehicles backing directly onto North 24th Street will adversely effect both traffic flow and safety.

We thank you for taking the time to consider our concerns regarding this zoning change request.

Terry and Beverly Hiatt  
2454 Northline Court  
Lincoln, NE 68521  
(402) 890-2035

cc: Planning Commission

Applicant, Public Works, City Atty.



Wanda Ryba  
<wryba@HeritageWar  
anty.com>

To: "plan@ci.lincoln.ne.us" <plan@ci.lincoln.ne.us>  
cc:  
Subject:

05/27/2003 12:09 PM

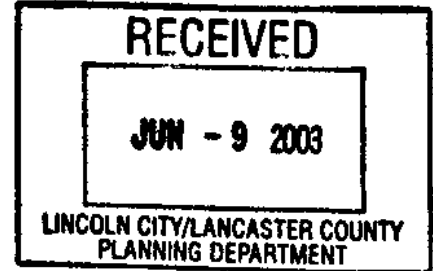
I am a new homeowner at 2400 Dodge Street in Regalton since May 1, 2003 and have been confronted with many problems in this very, very short time. One of the reasons I purchased land and built a home where I did was because I was told an assistance living facility would be built on that property to the north of where I was building. I wanted a neighborhood that was going to be rather quiet and peaceful. Now I find they want to build a 61 multi-family unit. That is unacceptable to me. There is now a problem with traffic and parking, what willl it be like after 61 or more vehicles are in the neighborhood? There are no crosswalks for children going to and from school. Both 24th Street and Dodge Streets are used by many, many vehicles now to miss the traffic light at 27th & Superior, and therefore there is more traffic on 24th Street from Superior. Therefore I would to recommend that the Planning Commission take an in-depth survey of this property before letting Regal Building Systems build on this site. Thank you for your time.

Waunette Ryba  
2400 Dodge Street  
Lincoln, NE 68521  
(402) 742-3934

Applicant  
Public Works  
City Attorney

June 9, 2003

Sheila Damon  
Representative for Regalton Neighborhood Assoc.  
2435 Dodge Street  
Lincoln, NE 68521



Joan Walker  
Administrative Assistant  
for the Planning Dept.

Re: Special Permit #2014 for Northview Villa Apartment Complexes

Dear Joan:

Please give a copy of each of the letters enclosed to the members of the planning commission before the scheduled hearing on Wednesday June 11, 2003 at 1 p.m. These letters list summaries of concerns from individual home owners living in Regalton. I have also included our neighborhood petition. For your information only one of these letters was sent certified mail to Regal Bldg Systems on May 21, 2003 by Jim and Kathy Tiede to which they received no response the remaining letters were held for the upcoming hearing.

Thank-you.

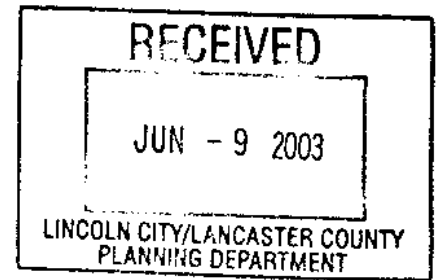
Sincerely,

*Sheila K Damon*

Sheila Damon  
phone # 435-1576



May 11, 2003



Regal Building Systems  
Attn: Marty Fortney  
2610 Park Blvd.  
Lincoln, NE 68502-3333

Dear Marty,

This letter is from a concerned group of neighbors representing the Regalton Homeowner's Association. We as homeowners take pride in our neighborhood and want to assure our quality of life through the safety, beautification and upkeep of both our property and the Regalton development as a whole.

However, there have been many concerns expressed by homeowners over problems that must be addressed immediately. Problems have been experienced by a majority of owners, which shows a disturbing trend. We realize that only by working together (the Association and Regal Building Systems) can we make our community the inviting and pleasant place we envisioned when we purchased property.

Therefore, we hereby submit our concerns in writing in hopes the aforementioned problems can be resolved through the cooperation of everyone involved. By working together we can accomplish our goal of happy homeownership, and you can look forward to dealing with satisfied clients.

We are requesting the following problems/issues be resolved as soon as possible:

1. Safety issue with creek bed since removal of trees; bike trail leads to and ends at creek which tends to attract children to area (liability risk to association).
2. Parking is inadequate (units too close together to allow parking between driveways and safety of parking vehicles along the curve). We request additional parking space be made available.
3. Common areas: Lack of maintenance (weeds, dead trees, etc.) no park bench. Vacant lots: could be graded and weeds cut per city ordinances.
4. A written plan for the development of dry cell/pond area and other common areas, including a time table for completion. This would avoid misunderstandings and would be greatly appreciated.

5. Association fees lowered accordingly and a full breakdown of expenses provided to the association members.
6. We oppose the proposal of Northview Villas since it will create further traffic issues and parking problems. Current homeowners of Regalton were told and assured that said site was for the development of retirement housing for Seniors.
7. Lawn care service provider needs to be scrutinized and addressed.
8. Renters <sup>who are</sup> having disturbing the peace with loud parties will not be tolerated.
9. Requests for repairs to building structures are unnecessarily slow.

Enclosed please find listed summaries of concerns from individual home owners.

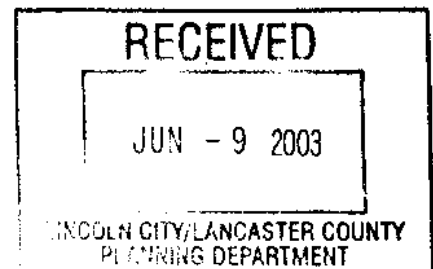
Sincerely,



Kerry J. Anderson  
Sheila Damon  
Representatives, Regalton Neighborhood Association

cc: Lincoln Federal  
Woods Bros. Realty  
Annette McRoy

Jim and Kathi Tiede  
2440 Dodge St.  
Lincoln, NE 68521



Dear Regal:

December 8, 2002 we mailed a list of issues to Regal for 11-month inspection; several are still unresolved. We are frustrated with the delay and uncertainty of repairs. Mark has completed a number of minor repairs and we appreciate it; these listed below must be completed before we can feel satisfied with our home and your company.

1. There is a large diagonal crack in two blocks of the sidewalk near the front entry. The crack (at least  $\frac{1}{2}$ " vertically) is a dangerous thing. April 21, 2003 Mark indicated that the two blocks will be replaced; when may we expect that repair?
2. Another concrete problem exists in the sidewalk seam at the end of the driveway. One block of sidewalk has raised more than  $\frac{1}{2}$ " above the next block of sidewalk. April 21, 2003 Mark indicated it will be repaired; when may we expect that repair?
3. Horizontal flashing over garage door is improperly installed, allowing water to seep in. This was reported at the 60-day inspection (3-02) and I understood it was to be corrected. Reported again 12-8-02. When may we expect that repair?
4. Flashing on the edge of the garage roof is lapped in the wrong direction in two places on the garage (the upper flashing is lapped under the lower flashing) so that water seeps in. This was reported at the 60-day inspection (3-02) and I understood it was to be corrected. Reported again 12-8-02. When may we expect that repair?
5. The siding on the north side of the house, near the roof, has become wavy due to poor installation. When may we expect that repair?
6. On April 21, 2003 Mark removed the decorative trim piece over the kitchen window as it was loose. The remaining adhesive looks messy. When will the piece be replaced?
7. We received no response regarding the bare spots in the lawn; we have obtained sod and done that repair ourselves, although we believe Regal should have done it. Portions of sod were dead when they were installed.


**Issues separate from construction:**

Weed control in the dry cell has been inadequate. It needs to be mowed much more frequently. The weeds are 3-4 feet tall now. Landscaping there would be nice, but AT LEAST it needs mowing.

We are very dissatisfied with the lawn service. They have permanently damaged our siding; the edge trimming is very irregular; the clean-up of drive-ways and sidewalks is always inadequate. If the lawn service is not weeding and caring for the trees and bushes in the common area we should hire someone who will. The common area reflects the quality of the neighborhood.

We are very concerned about the increased traffic and parking problems that will occur with the apartment complex planned for north of us. We understood there would be an assisted living facility there. We hope there is planning for visual separation.

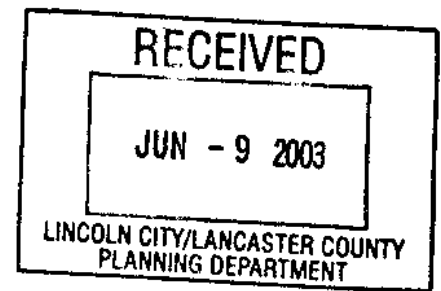
We hope for prompt resolution of these issues. Thank you.

  
Kathi Tiede 5-11-03

043

Regalton Neighborhood Association

May 13, 2003



Gentlemen:

There are a few things that are really bothering me; partly of my own concerns and partly some of my neighbor's concerns.

My Concerns:

1. The lawn mowing service is less than satisfactory. My lawn was scalped two of the past three mowings. We were fortunate in getting rain after the first time and I hope we get rain tonight. If this continues it will kill the grass. It should be cut longer now anyway. I know my lawn is extremely uneven but there is still no excuse.
2. The weeds all across the back of the lots are beginning to get quite high. I have been taking them out of my yard, but many do not.
3. The apartments to be built behind me concern me greatly. It had been told to me that that land was for an extended care facility. Traffic increase and parking are of great concern to me. Also of concern is how close they will be to these existing townhouses.

My neighbor's concerns:

1. Parking in the existing neighborhood is bad. Where at least three people live in one townhouse there is not enough parking space.
2. Safety. Besides the parking, the walking path ends by the creek. The steep drop behind the eastern most houses is also a very real safety issue.

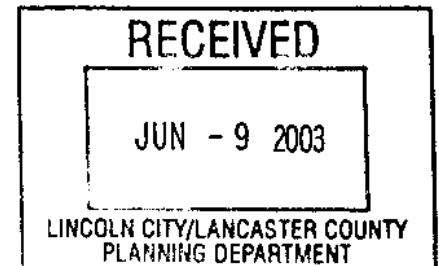
In my own townhouse, I have had no further water problems. I realize we have not had inches of rain fall so my hope is that the problem will not re-occur when we do get a big one.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lonetta H. H. H.".

May 12, 2003

Loren and Sheila Damon  
2435 Dodge St.  
Lincoln, NE 68521



Dear Regal:

After our 12-month inspection we returned to your office a customer satisfaction sheet which listed several issues that are unresolved; these listed below need to be taken care of before we can feel good about the service you have provided.

1. The nail holes in the crown molding above the kitchen cabinets[we can see each and every nail hole].
2. The panel underneath the dropped bar needs to be replaced.
3. Water comes into the garage on the east under the door every time it rains.
4. We have a concrete problem in the driveway beside the brick facing on the west side of the door opening that we are concerned about.
5. The siding blew off our eaves 3 weeks ago; I talked to Dan Jr., gave him the piece of siding and then called Kathy for a work order, when can we expect that repair?

Concerns and issues separate from construction problems:

We need more parking made available [this could easily be remedied using the lot next to the commons area].

Our association fees are a concern [according to the figures submitted by Regal in our association meeting the breakdown of costs equals a little over \$50 per mo.} In addition, the initial fee to the lawyer for drawing up the covenants should be paid by now and that deduction needs to be reflected in our fees. We felt your threat to raise our association fees over the dog issue was inappropriate.

We believe it is Regal's responsibility to work with the land owner to replace or substitute something where the trees were removed so there is a buffer area again.

We are displeased with the current lawn service. They do not pick up the grass clippings which are left in clumps and then the grass dies. Our trees are not cared for with fertilizer nor are the trees and shrubs in the commons park area next to our home nor is this area ever weeded. Weeds in undeveloped commons areas need to be mowed more frequently for weed control and to limit the amount of unwanted wildlife [skunks, rabbits, field rats, etc].

We strongly believe that there is a safety issue with the creek area. This is dangerous especially with a school a few blocks up the street and for the homeowners own children and grandchildren [as a homeowner our land needs to be rendered SAFE!]. We would like something to be done about the bike trail that leads and then ends right at the creek.

Renters having parties and violating the city noise ordinance is annoying along with the parking problems this creates. We do not want this situation to continue especially when police are called and nothing is done about it!

We strongly oppose the proposal for Northview Villas. These apartment complexes will do nothing more than create further traffic congestion [i.e. turning left onto Superior St.] and create even greater parking problems. When we purchased our home we were informed that an assisted living retirement community was to be built there and had been approved. However, now we are told something entirely different! We are concerned about the zoning changes being made in areas north of our association.

Finally we would like to know what the plan is for the development of the commons areas. We were initially told there would be a pond landscaped with a bike trail. Now it is just referred to a dry cell. It would be nice to have clarification on what we can expect and certainly a timetable for its completion.

We hope that these issues can be resolved so that we all can enjoy a quality neighborhood.  
Thank-you

Signed

Loren and Sheila Damon

*Loren A. Damon*  
*Sheila K. Damon*

RECEIVED

JUN - 9 2003

LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

May 15, 2003

Residence at 2400 Dodge Street owned by Waunette Ryba

First of all the plans were not followed. It was suppose to have no steps into the house from the outside and no steps from the garage inside. That didn't happen.

When we discovered we would have to have steps, we met with them (Dan & Marty & Mike Thomalla) at the house. They both admitted they didn't look at the plans that good. They gave us some alternatives. We accepted the fact that we would have to have steps somewhere, so it was decided to have steps into the house from the garage. When we agreed to this we had Dan agree to the following: 2 stud walls be put in the basement; phone & cable jack in the basement; deck to be extended 6 feet. All was done except for the extension on the deck. Dan said he could only go 2 feet, he said that was according to laws regarding easement or something like that. So that is what I agreed to. I believe he just said that so he would not have to build the deck larger. It was Dan's idea to put in the retaining wall between the two units. But he had to do something because our front door and sidewalk is up higher than the other unit. We said nothing about that. Now we see that the unit being built right next to us on the east is having a deck that is extending further from the house than ours. I want to know why Dan lied to us and told us he could not extend the deck any further. If he is telling us things like this, what is he telling others?

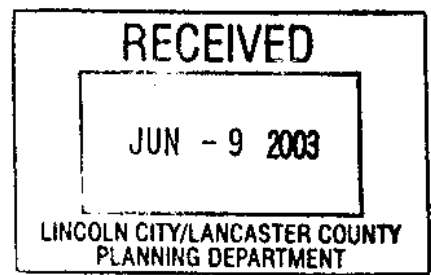
We are now in our home for almost 4 weeks and we have yet to have the yard graded and sprinklers put in along with sod. I am concerned about the grading of the back yard, that it is going to be steep in some places. Some workers have dug a trench in the back yard because of a water leak for the sprinklers and they haven't finished that yet.

Also I am curious as to the money that is in escrow for the grading, installation of sprinklers and sod, is that drawing interest and if so, what is happening to the interest?

*Waunette Ryba*

14 May 2003

Regal Building Systems



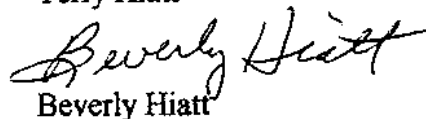
You sent one of your workers to our home in January to check items we felt needed fixing. He was able to fix some but there are still some we think need to be addressed.

1. The trim job around the inside of the lower entry door is very poor.
2. Bad looking corners in bathrooms. Both baths have an outside corner that is far from being square. We have heard numerous remarks made by people who have been in the house asking who was responsible for the poor framing.
3. Drywall finish around glass block window in master bath poorly done.
4. Many nail holes in trim not filled. The worker filled some but still others remain.
5. Joints on some cabinets are pulling apart. One that is especially noticeable is on the medicine cabinet in the master bath.
6. The area around the entry doorknob needs paint, both inside and outside.
7. The front door bell button, which is supposed to be lighted, doesn't light.

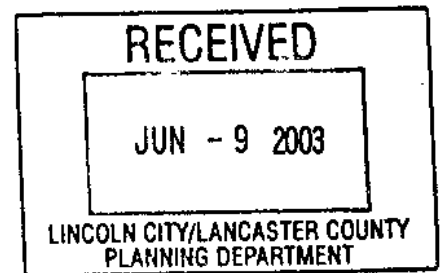
In addition we have since discovered other things:

1. The lawn care workers ran over the end of the rear downspout and flattened it.
2. The fascia covering on the east gable is coming loose.
3. The floor near the doorway from the laundry room to the kitchen squeaks.
4. Why is it necessary for the garbage trucks to empty the dumpsters at the ungodly hour of 5 AM?
5. The timing of the sprinkler system is not in line with the city's recommendations for voluntary water restrictions.
6. We are not pleased with the parking situation in the neighborhood and feel it is only a matter of time before someone has an accident. As a matter of fact our car was backed into by someone working for the plumbing contractor.
7. We were also disturbed that we were not notified of an upcoming zoning change for the proposed apartment complex. We discovered that some of our neighbors were notified; however we were not. We are to understand the zoning change would allow apartments to be built where an assisted living facility was previously planned. Our choice of where to live in Lincoln was certainly influenced by your advertising claims that this neighborhood was to include both a child care center and assisted living facilities.

  
Terry Hiatt

  
Beverly Hiatt





Therese Voboril  
4230 North 25<sup>th</sup> Street  
Lincoln, NE 68521  
(402) 476-4909

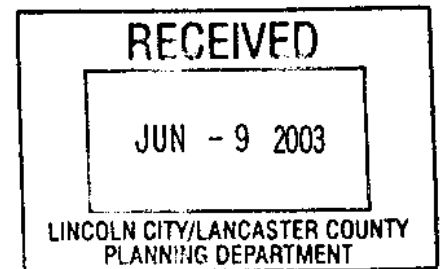
I am concerned about the creek area behind my home and the homes on the East side of the neighborhood. The area attacks children. The creek is steep, and lined with concrete. If a child falls he/she would have difficulty getting out and could drown if we had a substantial rainfall. There is also a muddy strip between the edge of the creek and the sod. There are some water valves in my backyard which have plastic caps which are cracked. The damage probably was done by the mowers. The holes are deep and someone could get hurt if they trip over the holes.

Skunks have frequented the area. It would help if the weeds were cut down. Water is standing behind some homes and will attract mosquitoes. There was also a hole dug in my neighbor's yard, and was left to fill with water. Now, the grass on top is muddy and the ground is every soft. Someone could be hurt if they fall. There are areas throughout the backyards which are spotty and the sod needs replacing.

I trust Regal will continue to work on getting the sod started around my air-conditioner and the side of my house as well as filling the holes around my foundation with dirt. They agreed to attempt sod one more time which is appreciated before rocking the area.

*Therese Voboril 5-15-03*

Sharla Meester  
4234 N. 25<sup>th</sup> St.  
Lincoln, NE 68521  
(402) 476-3756



I have major concerns with the creek area behind my home. Something needs to be communicated to the owner of the property regarding safety issues. This is a *steep* embankment with concrete on the bottom and partially along the side. Several times I have witnessed kids on bikes who attempt to see where the bike path goes and they come across the creek. They go to the edge to look over at the water and proceed to pick up dirt clods and throw them in. They have also *tried* to climb down in there.

In my backyard/commons area they had dug a hole to fix something having to do with the water system. This remained a deep hole (3 foot) that was filled with water. This remained filled with water for about 2-3 weeks before anything was done with it. I would have thought if they couldn't work on it for a couple of weeks, a small fence would have been placed around the area. It has now been fixed, but it is basically grass with a lot of mud and water. Something needs to be done so that water does not build up there and grass starts to grow again.

I would recommend that Regal follow-up with contract work to make sure the jobs get done. I have been told they would have someone come out in the next day or so, but no one shows up until I continue to ask about the repairs.

Name: Sharla Meester Date: 5/14/03

JUN - 9 2003

LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

**FROM THE DESK OF: CL. GARRISON**

**BY REQUEST OF THE HOMEOWNERS RESIDING IN THE REGALTON NEIGHBOR I WISH TO STATE MY COMPLAINTS WITH THE REGAL BUILDING SYSTEMS, DEVELOPERS OF THIS NEIGHBORHOOD.**

**MY DISCONTENT IS:**

**A. LAWN SERVICE ON NUMEROUS OCCASIONS HAS FAILED TO PROPERLY CLEAN UP AFTER, WHEN MOWING. (I.E.):**

- TRIMMING PROPERLY AROUND TREES WITHOUT NICKING THE NEW TREES, AND BUSHES.**
- NICKING THE SOLAR YARD LIGHTS AND BREAKING THE SHADES.**
- IGNORING THE REQUESTS TIME AFTER TIME ABOUT KEEPING THE DIRECTION OF THE MOWING WITH A WEED WHACKER AWAY FROM THE POND. (CAUSING THE PUMP AND FILTER TO OVERWORK. THIS IS COSTLY TO REPLACE A PUMP AND SKIMMER).**

**B. AFTER THE LAST HOMEOWNERS MEETING IN FEBRUARY 2003 I WAS INSTRUCTED (BY MARTY) TO FAX MY CONCERNS. I DID AND SO FAR THE SPRINKLER SYSTEMS ABILITY TO SWAMP MY YARD ON THE SOUTHEAST END (BY THE BURM) HAS NOT BEEN FIXED. THE WATER POOLS HERE AND CREATES A VERY BAD CASE OF "SWAMP", ENCOURAGING MOSQUITOES AND WEST NILE VIRUS. NOTE, FIRST TIME I SEE A MOSQUITO IN THIS AREA BREEDING OR NOT, I WILL GO TO THE HEALTH DEPARTMENT. THIS REQUEST HAS NOT EVEN GENERATED A PHONE CALL OR A REQUEST TO DISCUSS IT.**

**C. I ALSO ASKED THE BUILDER TO REPAIR THE FRONT WINDOW MANTLE. (AT THE FRONT OF THE HOUSE). IT CAME UNGLUED AND FELL, BROKE/SHATTERED ITEMS ON THE FRONT STOUP BUT NOT THE WINDOW. (WASN'T REGAL LUCKY HERE). IT WAS TAKEN BUT NEVER RETURNED AND NOT A WORD ABOUT THIS EITHER.**

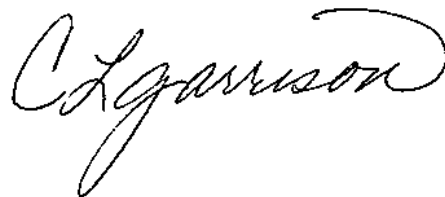
**I REALLY FEEL THAT THEY HAVE THE WORST CUSTOMER SERVICE SKILLS EVER. AND THEY EITHER FABRICATE THE FACTS OR TELL UNTRUTHS ABOUT WHAT IS REALLY GOING ON IN THE NEIGHBORHOOD. WHEN I CALLED JUST 2 WEEKS AGO. DAN SR. TOLD ME HE WOULD HAVE THE LAWN SERVICE RETURN THAT DAY OR THE NEXT AT THE LATEST AND HE WOULD GET BACK TO ME. NEVER HAPPENED.**

**IF I CONTINUE TO FEEL I LIVE IN A TRAILER COURT AND HE IS THE MANAGER I WILL CONTACT MY LAWYER TO GET THINGS TAKEN CARE OF. ( IF HE CAN PRESS UPON ME OVER A POOPER SCOOPED LAWN I CAN PRESS UPON HIM TO CONTACT ANIMAL CONTROL. IT IS THEIR JOB TO ISSUE A CITATION TO THE OFFENDERS NOT RAISE ASSOCIATION DUES FOR ALL MEMBERS.) THIS MENTALITY IS NOT ACCEPTABLE AND I WILL NOT ALLOW TREATMENT AS IF I WAS A TENANT AND HE WERE MY LANDLORD.**

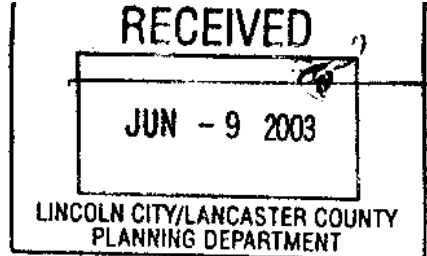
**I LIVE AND PURCHASED MY HOME IN A COMMUNITY THAT IS SUPPOSE TO WORK TO A WIN WIN RESULT NOT A I HAVE ALL THE VOTES SO ITS MY WAY OR THE HIGHWAY.... SO FAR THAT IS WHAT HE HAS REPRESENTED. THIS IS WHY WE DON'T TRUST HIM.**

**LETS NOT FORGET I PAID FOR AND OWN MY OWN HOME IN THIS COMMUNITY. I LIVE HERE. HE (MARTY) DOES NOT!!!!!!!**

**CL GARRISON  
05-13-03**

A handwritten signature in cursive script that reads "CL Garrison". The signature is written in dark ink and is positioned to the right of the typed name and date.

May 13, 2003



Below is a list of Regalton Homeowners who are not in favor of granting special permit No. 2014 (N. 24th Street & Dodge Street) for the development of Northview Villa Apartment Complexes:

Name	Address & Phone	Signature
1. Loren & Sheila Damon	2435 Dodge St ph# 435-1576	sheila Damon
2. Louetta Metcalf	2430 Dodge St. phone # 742-3144	Louetta R. Metcalf
3. Angelina Rylea Wannette	2400 Dodge St 742-3934	Angelina Rylea
4. Brittany Cohen	2324 Dodge St. 742-6419	Brittany Cohen
5. Audelle Hallford	2325 Dodge 435-5217	Audelle Hallford
6. Bernice Beals	2401 Dodge 477-0016	Bernice Beals
7. CHARLES ALLEN	4210 N 25TH	Charles Allen
8. Maria Miller	4144 N 25TH 742-7812	Maria Miller
9. Sonya Vandell	2454 City View Ct 438-1540	Sonya Vandell
10. James Schmidt	2450 City View Ct 435-2447	James Schmidt
11. Brenda Anderson	2431 Dodge 742-3926	Brenda Anderson
12. Amy Krivohlavek	2410 Dodge 476-2504	Amy Krivohlavek
13. LARRY + Sheila Peterson	2444 Dodge 476 6189	Larry Peterson

May 13, 2003

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<u>Name</u>	<u>Address &amp; Phone</u>	<u>Signature</u>
14. Therese Voboril	4230 N. 25th 476-4909	Therese Voboril
15. SHARLA MEESTER	4234 N. 25th St. 476-3756	Sharla Meester
16. Beverly J. Hall	2454 Northline Ct 890-2035	Beverly J. Hall
17. Don Davis	4124 N. 25th St	
18. Linda Koch	4120 N. 25th St.	Linda Koch
19. Aaron Schurman	2424 Dodge	A Sch

May 13, 2003

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<u>Name</u>	<u>Address &amp; Phone</u>	<u>Signature</u>
20. MARTA + RICK BOYTE	2455 Northline Ct.	Marta Boyte
21. Jim Kuhl	2451 NORTHLINE CT.	James B. Kuhl
22. NANCY SPILMAN	2321 DODGE ST.	Nancy Spilman